

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RABIE ALI,)	JUDGE JOHN R. ADAMS
)	
Petitioner,)	CASE NO. 1:10CV0426
vs.)	
)	<u>MEMORANDUM OF OPINION</u>
IMMIGRATION AND)	<u>AND ORDER RE: DISMISSING</u>
NATURALIZATION SERVICE, ¹)	<u>PETITIONER'S APPLICATION FOR</u>
)	<u>WRIT OF HABEAS CORPUS</u>
Respondent.)	[RESOLVING DOC. 9]

Petitioner *pro se* Rabie Ali filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, alleging three grounds for relief arising from the fact that as of February 26, 2010, he was in the custody of the INS after pleading guilty to Medicaid fraud in the United States District Court for the Northern District of Ohio in July 2008.

On May 17, 2010, the case was referred to Magistrate Judge Nancy A. Vecchiarelli for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and Local Rule 72.2(b)(2). *See* Order (Doc. 7). After the respondent filed a Motion to Dismiss or, Alternatively, for Summary Judgment (Doc. 9), the Magistrate Judge submitted a Report and Recommendation (Doc. 10) recommending that respondent's Motion to Dismiss be granted without opposition for lack of subject matter jurisdiction not only because Ali is no longer "in custody" for purposes of the habeas statute, but also for the reason that the petitioner does not seek relief from the collateral consequences of his removal.

¹The Immigration and Naturalization Service ("INS") has been abolished and its immigration enforcement function transferred to the United States Bureau of Immigration and Customs Enforcement ("ICE") in the Department of Homeland Security.

Fed. R. Civ. P. 72(b)(2) provides that objections to a report and recommendation must be filed within fourteen (14) days after service, but neither party has filed any such objections. Therefore, the Court must assume that the parties are satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the Magistrate Judge is hereby adopted. Respondent's motion that the petition be dismissed is GRANTED.

IT IS SO ORDERED.

July 29, 2010
Date

/s/ John R. Adams
John R. Adams
U.S. District Judge